

Appl. No 10/688,571
Amendment dated January 3, 2005
Reply to office action of October 7, 2004

Remarks/Arguments

In the office action, the Examiner noted that Claims 1-10 are rejected under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular the Examiner noted the phrase "or other flexible sheet material" renders the claims(s) indefinite because the element "or other flexible sheet material" is not disclosed.

Claims 1-10 have been amended to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 the phrase "or other flexible sheet material" has been replaced with "card, or other paper-like display material", as was used to describe the prior art in the specification, page 1, first paragraph under BACKGROUND OF INVENTION - PRIOR ART. The term "card" is known in the art to be a flat, usually rectangular piece of stiff paper, cardboard, or plastic. Several materials are known in the art to be paper-like, and the first paragraph under OPERATION—ADDITIONAL EMBODIMENTS has been amended to more clearly show that the listing of materials in that paragraph discloses paper-like materials capable of use with the applicant's invention; paper-like is also known in the art to include electronically writable and erasable materials. The applicant submits that the amended claim 1 sets forth the subject matter that the applicant regards as the invention, and the amended claims particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant. Applicant respectfully submits that claims 1-10 as amended meet the requirements of 35 U.S.C. 112 second paragraph.

In items 2 through 4, the Examiner noted that claims 1, 4, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Miska (6,718,676).

Regarding claim 1, it has been amended to more clearly describe the novel aspect of applicant's invention, the large and small adjacent tabs arranged so they may engage the display material in a curved configuration on either side of applicant's invention, or both sides simultaneously. Applicant respectfully submits the applicant's invention described in amended claim 1 is structurally novel and patentably distinguishes over the Miska patent and is not anticipated by Miska.

Regarding claim 4, it is a dependant claim on claim 1, previously described. Claim 4 therefore incorporates all limitations of the amended claim 1. Applicant respectfully submits the applicant's invention described in claim 4 patentably distinguishes over the Miska patent for the reasons discussed in connection with claim 1.

Regarding claim 11, it has been amended to more clearly describe the novel aspects of applicant's invention, the opposing split tabs arranged so they may engage the display material in a curved configuration on either side of applicant's invention, or both sides simultaneously. Applicant respectfully submits the applicant's invention described in amended claim 11 is structurally novel and patentably distinguishes over the Miska invention and is not anticipated by Miska.

Appl. No 10/688,571

Amendment dated January 3, 2005

Reply to office action of October 7, 2004

Regarding claim 14, it is a dependant claim on claim 11, previously described. Claim 14 therefore incorporates all limitations of the amended claim 11. Applicant respectfully submits the applicant's invention described in claim 14 patentably distinguishes over the Miska patent for the reasons discussed in connection with claim 11.

In item 6 the Examiner noted that claims 2, 3, 10, 12, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miska (6,718,676) in view of Tomsich (1,435,762).

Regarding claim 2, it is a dependant claim on claim 1, previously described. Claim 2 therefore incorporates all limitations of the amended claim 1. Claim 2 also has been amended to more clearly claim the novel aspects of applicant's invention, in particular the split tabs arranged to engage display material in a curved configuration on either side of applicant's invention, or both sides simultaneously. Applicant's invention as claimed in the amended claim 2 is therefore structurally novel and not taught by either the Miska invention, the Tomsich invention, or a combination of the two.

Regarding claims 3, 10, 12, 13, and 20, these are dependant claims on claim 1, previously described. Claims 3, 10, 12, 13, and 20 therefore incorporate all limitations of the amended claim 1. Claim 1, as previously described, has been amended to more clearly claim the novel structure of applicant's invention. These novel structures are not taught by either the Miska invention, the Tomsich invention, or a combination of the two. Claims 3, 10, 12, 13, and 20 therefore are not taught by the Miska invention, the Tomsich invention, or a combination of the two.

In item 7 the Examiner indicates claims 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant respectfully submits that the base claim for claims 15-19, as amended, is an allowable claim and therefore the objection to claims 15-19 is traversed.

In item 8 the Examiner indicates claims 5-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph. Applicant respectfully submits that the amended claims are allowable claims as described previously in this paper.

Claims 2-10 and claims 12-20 have also been amended to correct matters of form.

New dependant claim 21 has been added to provide a similar list of claims dependant on claim 1 as existed as dependant on claim 11.

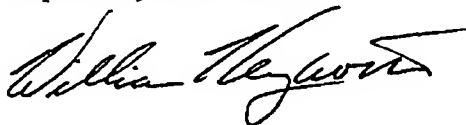
New dependant claims 22-30 have been added to provide the applicant claims dependant on amended claim 2 similar to those dependant on amended claim 1. New independent claim 31 has been added to address the various embodiments of applicant's invention.

This application, after amendment, has 3 independent claims and 31 total claims. The appropriate fee for 11 extra claims accompanies this amendment.

Appl. No 10/688,571
Amendment dated January 3, 2005
Reply to office action of October 7, 2004

Applicant respectfully submits that the claims as amended satisfy all the examiners objections. The applicant's invention as presently claimed is patentably distinct from the prior art as has been shown. The applicant submits the application is in condition for allowance, and that action is earnestly solicited.

Respectfully submitted,



William Keyworth
Reg. No 47704
Tel: 415-397-8056

Application: 10/688,571
Title: Display Device and Photo Holder
Inventor: Finn Alexander Strong
Agent: William Keyworth, 415-397-8056
Amendment Dated 1/3/2005
Sheet 6 of 6

